

DAVID J. MALAND, CLERK  
BY DEPUTY J. Moore

[illegible]

## ORDER

As a condition of the stay, Defendant may not argue invalidity at trial based on one or more prior art printed publications that were submitted by the petitioner in the reexamination proceedings. However, Defendant will be permitted to rely for obviousness on the combination of printed publication reference that was submitted by petitioner in the reexamination with prior art that was not so submitted.

**ORDERED** that as to each Defendant entering into the stipulation, a stay of the proceedings related to the “Ballard Patents” in this case shall ensue. The Plaintiff may file a motion to lift the stay following further Office Action in the reexamination proceeding.

It is so **ORDERED**.

**Signed this 12th day of January, 2007**

A handwritten signature in black ink, appearing to read 'David Folsom', written over a horizontal line.

**DAVID FOLSOM**  
**UNITED STATES DISTRICT JUDGE**